

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Maryna Stein,

Plaintiff,

vs.

Marshalls of MA, Inc.,

Defendant.

Case No.: 2:11-cv-01353-GMN-VCF

**ORDER**

Before the Court is the Order of the Ninth Circuit Court of Appeals (ECF No. 83) remanding Plaintiff Maryna Stein's appeal for the limited purpose of permitting this Court to address in the first instance the Motion to Enforce Settlement Agreement filed by Defendant Marshalls of MA, Inc. ("Marshalls") in the appellate docket, along with related briefs.

In May 2013 the Court entered an Order (ECF No. 76) granting Defendant's Motion for Summary Judgment, and the Clerk of the Court entered judgment accordingly, closing the case (ECF No. 77). One month later, Plaintiff filed a Notice of Appeal (ECF No. 79) to the Ninth Circuit Court of Appeals. In August and September 2013, the parties filed briefs in the appellate docket regarding Marshalls' motion to enforce an oral settlement agreement and to dismiss the appeal. (*See* Order of Ninth Circuit, Dec. 20, 2013, ECF No. 83.) On December 20, 2013, the Ninth Circuit Court of Appeals remanded the case for the limited purpose of considering Marshalls' motion and the parties' related briefs. (*Id.*)

The Court scheduled an evidentiary hearing on the motion, which was conducted on January 13, 2014, and continued to January 21, 2014. (Order, Dec. 27, 2013, ECF No. 84; Mins. of Proceedings, ECF No. 88; Mins. of Proceedings, ECF No. 89.) After the hearing, and pursuant to the Court's order, Defendant submitted a supplemental brief. (Supp., ECF No. 92.)

1 Before Plaintiff's response brief was due, the parties submitted a Stipulation of Dismissal (ECF  
2 No. 93) which was denied without prejudice. (Min. Order, Feb. 18, 2014, ECF No. 94.)

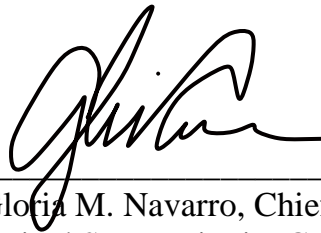
3 On March 4, 2014, Defendant submitted a Notice Withdrawing Motion to Enforce  
4 Settlement, requesting withdrawal of its motion to enforce settlement, vacatur of the briefing  
5 schedule, and an order returning the case to the appellate court for final disposition. (ECF No.  
6 95.) Based upon the parties' statements in the Stipulation of Dismissal (ECF No. 93), the Court  
7 finds good cause to grant Defendant's requested relief.

8 Accordingly,

9 **IT IS HEREBY ORDERED** that Defendant's August 29, 2013, motion to enforce a  
10 settlement agreement is withdrawn and all applicable briefing deadlines are vacated.

11 **IT IS FURTHER ORDERED** that, pursuant to the December 20, 2013, Order of the  
12 United States Court of Appeals for the Ninth Circuit (ECF No. 83), the Clerk shall send a copy  
13 of this Order to the appellate panel for this case, No. 13-16320.

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15 **DATED** this 4th day of March, 2014.

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19 Gloria M. Navarro, Chief Judge  
20 United States District Court  
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